

**HANFORD REACH NATIONAL MONUMENT  
FEDERAL PLANNING ADVISORY COMMITTEE  
Valid Existing Rights Subcommittee**

**Draft Product  
Issue Summary  
(April 24, 2002)**

The Hanford Reach National Monument was created to protect its unique biological, historical, scientific resources. The proclamation establishing the monument also stated that the “establishment of this monument is subject to valid existing rights.” The Proclamation specifically identified several rights, including:

- The Department of Energy has the right (and responsibility) to continue with the cleanup of the Hanford nuclear reservation.
- The State of Washington has the right and responsibility to continue its management of fish and wildlife.
- Indian tribes have the right to continue to exercise all rights and uses granted by treaties, laws and regulations, and other agreements.
- The Federal Columbia River Transmission System (Bonneville Power Administration) has the right to use, maintain, and add to its power transmission system in the Monument.
- The Columbia Basin Reclamation Project has the right for operation and maintenance of its existing facilities, but new irrigation for agricultural purposes is not allowed.
- Other utility services (the PUD's, Energy Northwest) have the right of operation and maintenance of their existing facilities.

What do these rights mean for developing a Comprehensive Conservation Plan for managing the Monument? To the extent that a person or entity has a valid existing right in the federal lands or resources in the Monument, the Plan will need to respect those rights. The Plan could propose some regulation or process for how the right might be further defined and exercised.

One of the main concerns expressed about the creation of the Monument was how it might affect or limit existing and planned activities both within the Monument and adjacent to it. Some of the other issues regarding valid existing rights raised so far include:

- Potential expansion of the power transmission corridors and facilities
- Compatibility of Monument activities with Hanford cleanup activities and plans
- Minimizing disruption of existing utility operations
- Potential impact of Monument activities or restrictions on adjacent properties
- Protection of the viewshed

The development of the CCP will need a process to enable the USFWS to identify and fully define all valid existing rights.

Are any of these issues of concern to you?

Are there any other rights or related issues which the USFWS should consider in developing the plan for the Monument?

**Hanford Reach National Monument  
Valid Existing Rights - Table of Potential Rights**

<b>WHO HAS THE RIGHT?</b>	<b>WHAT IS THE RIGHT?</b>	<b>BASIS FOR RIGHT?</b>	<b>POTENTIAL CONFLICT WITH OTHER RIGHTS?</b>	<b>COMMENT</b>
Department of Energy	Right to carry out remediation and environmental restoration, control access to cleanup site, monument cannot affect USDOE activities on non-Monument lands	Identified in proclamation. Federal laws and regulations. MOU?		
Washington Department of Fish and Wildlife	Jurisdiction for fish and wildlife management	Identified in the proclamation. MOU? Court decisions?		
Indian tribes	Nothing shall enlarge or diminish the rights of any Indian tribe – hunting, fishing, gathering, protection of ancestral remains and cultural/religious sites	Identified in the proclamation. Treaties. Federal laws and regulations.		
Other Native Americans	Aboriginal rights			
Columbia Basin Reclamation Project	Nothing shall interfere with the operation of existing facilities	Identified in the proclamation. Other agreement or permit?		
Washington Department of Natural Resources	Owns bed of Columbia River	Equal footing doctrine		

Federal Columbia River Transmission System	Nothing shall interfere with the operation and maintenance of existing facilities. Facilities may be replaced, modified and expanded and new facilities may be constructed as authorized by other applicable law. Such actions shall be carried out in a manner consistent with proper care and management of the objects of this proclamation, to be determined in accordance with the management arrangement set out in this proclamation	Identified in the proclamation. Other agreement or permit?		
Other existing utility services located within the monument	Nothing shall interfere with the operation and maintenance of existing facilities	Identified in the proclamation. Other agreement or permit?		
Water rights holders – who?	There is reserved a quantity of water in the Columbia River subject to valid existing rights sufficient to fulfill the purposes for which this monument is established	Monument right identified in proclamation.		

[illegible]